

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

MASTER LENDING GROUP, LLC,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	FILE NO. _____
TRUIST BANK and WELLS FARGO BANK NATIONAL ASSOCIATION, INC.,)	
)	
Defendants.)	

ANSWER AND AFFIRMATIVE DEFENSES OF TRUIST

Defendant Truist Bank (“Truist”) hereby files this Answer and Affirmative Defenses to Plaintiff Master Lending Group, LLC’s (“Plaintiff”) Complaint in the above-styled action, and respectfully shows this Court as follows:

FIRST DEFENSE

Plaintiff’s Complaint fails to state a claim against Truist upon which relief can be granted.

SECOND DEFENSE

Truist denies that Plaintiff is entitled to any judgment, damages, or relief whatsoever.

THIRD DEFENSE

Plaintiff's common law claims are displaced and preempted by Georgia's Uniform Commercial Code.

FOURTH DEFENSE

To the extent Plaintiff has incurred any injuries or damages, such injuries or damages are a result of an intervening or superseding cause of the acts or omissions of third parties over which Truist has no responsibility or control, and for which Truist may not be held liable.

FIFTH DEFENSE

No act or omission of Truist constitutes the proximate or legal cause of any injury or damage alleged to be sustained by Plaintiff.

SIXTH DEFENSE

Truist's compliance with the statutes, rules, and regulations that govern the subject matter of this lawsuit precludes any liability to Plaintiff.

SEVENTH DEFENSE

Plaintiff's claims are barred because Truist acted in good faith and in accordance with reasonable commercial standards.

EIGHTH DEFENSE

Plaintiff's claim for attorney's fees and expenses of litigation is barred because Truist has not acted in bad faith, has not been stubbornly litigious, and has not caused the Plaintiff unnecessary trouble and expense.

NINTH DEFENSE

Truist presently has insufficient knowledge and information on which to form a belief as to whether it has additional, yet unstated herein, defenses available to it, and reserves the right to assert additional defenses in the event discovery indicates such defenses would be appropriate.

TENTH DEFENSE

Plaintiff lacks standing to pursue this action due to its dissolution.

ELEVENTH DEFENSE

Truist hereby responds to the individually numbered paragraphs of Plaintiff's Complaint as follows:

RESPONDING TO: PARTIES, VENUE, AND JURISDICTION

1.

Responding to the allegations in paragraph 1, Truist admits only that Plaintiff is a citizen of Georgia. Truist is without information or knowledge sufficient to form a belief as to the other allegations in paragraph 1.

2.

Admitted.

3.

Denied.

RESPONDING TO: FACTUAL ALLEGATIONS

4.

Admitted.

5.

Truist is without information or knowledge sufficient to form a belief as to the allegations of paragraph 5, and so the allegations are denied.

6.

Truist is without information or knowledge sufficient to form a belief as to the allegations of paragraph 6, and so the allegations are denied.

7.

Truist is without information or knowledge sufficient to form a belief as to the allegations of paragraph 7, and so the allegations are denied.

8.

Truist is without information or knowledge sufficient to form a belief as to the allegations of paragraph 8, and so the allegations are denied.

RESPONDING TO: CAUSES OF ACTION

COUNT I

9.

Denied.

COUNT II

10.

Denied.

COUNT III

11.

Denied.

COUNT IV

12.

Denied.

Truist denies the unnumbered paragraph following paragraph 12 of plaintiff's complaint, beginning with WHEREFORE, and denies that plaintiff is entitled to any relief from Truist.

WHEREFORE, Truist respectfully requests the following relief:

(a) that Plaintiff's Complaint and all claims asserted therein against Truist be dismissed with prejudice;

(b) that all costs of this action be taxed against Plaintiff;

(c) that Truist recover its attorneys' fees and expenses actually and reasonably incurred in the defense of this action; and

(d) for such other, further, and different relief that this Court deems equitable and proper under the circumstances.

Respectfully submitted, this 17th day of September, 2021.

/s/ Kevin R. Stone

Victor L. Hayslip,
Pro Hac Vice Motion forthcoming
vhayslip@burr.com

Benjamin B. Coulter,
Pro Hac Vice Motion forthcoming
bcoulter@burr.com

Kevin R. Stone
Georgia Bar No. 830640
kstone@burr.com

Attorneys for Defendant Truist Bank

BURR & FORMAN LLP
171 17th Street, NW
Suite 1100
Atlanta, GA 30363
Telephone: (404) 815-3000
Facsimile: (404) 817-3244

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September, 2021, a copy of the foregoing **ANSWER AND AFFIRMATIVE DEFENSES OF TRUIST** has been served on the following by directing same to their office address via first class United States mail, postage prepaid, addressed as follows:

Dwight T. Feemster
DUFFY & FEEMSTER, LLC
340 Eisenhower Drive
Suite 800, Second Floor
Savannah, GA 31406

/s/ Kevin R. Stone
Victor L. Hayslip,
Pro Hac Vice Motion forthcoming
vhayslip@burr.com
Benjamin B. Coulter,
Pro Hac Vice Motion forthcoming
bcoulter@burr.com
Kevin R. Stone
Georgia Bar No. 830640
kstone@burr.com

Attorneys for Defendant Truist Bank

BURR & FORMAN LLP
171 17th Street, NW
Suite 1100
Atlanta, GA 30363
Telephone: (404) 815-3000
Facsimile: (404) 817-3244